

REMARKS

Claim Rejections under 35 U.S.C. § 112.

Claims 10 and 18 stand rejected under 35 U.S.C. § 112, second paragraph (“Section 112”) for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, claims 1 and 18 stand rejected because the recitation of “selectively transmitting” is alleged to be vague and indefinite.

In response, Applicant has amended claims 10 and 18 to cancel “selectively” from the claim to clarify the scope of the invention. Applicant respectfully requests withdrawal of the rejection of the claims under Section 112 in light of this clarification.

Claim Rejections under 35 U.S.C. § 103.

Claims 10-16 and 18-20 stand rejected under 35 U.S.C. § 103(a) (“Section 103”) as unpatentable over U.S. Pat. No. 5,920,847 to Kolling (“Kolling”) in view of U.S. Pat. No. 4,948,174 to Thomson (“Thomson”) in view of U.S. Pat. No. 6,058,380 to Anderson (“Anderson”) and further in view of U.S. Pat. No. 6,304,857 to Heindel (“Heindel”). Additionally, claims 17 and 21 stand rejected under Section 103 as unpatentable over Kolling in view of Thomson in view of Anderson and further in view of Heindel and U.S. Pat. No. 6,336,094 to Ferguson (“Ferguson”).

An invention is unpatentable under Section 103 “if the differences between the subject matter sought to be patented over the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.”

To establish a *prima facie* case of obviousness, three criteria must be met. “First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142.

“Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination.” *In re John R. Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Any such suggestion must be “found in the prior art, and not based on applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991).

A “clear and particular” showing of the suggestion to combine is required to support an obviousness rejection under Section 103. *Id.* For the reasons set forth below, Applicant submits that the prior art fails both to teach or suggest all the claim limitations, and to clearly and particularly suggest the combination indicated by the Examiner; thus, Applicant’s claims are not obvious in view of the prior art references.

Applicant’s independent claims 10 and 18, as amended, recite a “customer computer system [comprising] an electronic accounting application and an electronic payment processing module, wherein the electronic payment processing module is capable of communicating with the electronic accounting application at a local electronic payment processing interface; [and] automatically receiving, at the electronic payment processing module, dynamic electronic print data from the electronic accounting application.” Applicant finds no mention or suggestion of these limitations in any cited reference, nor in any combination thereof.

Kolling teaches a bill pay system where, “[t]o authorize a remittance, a consumer transmits to its participating bank a bill pay order indicating a payment date, a payment amount, the consumer’s account number with the biller, a source of funds and the biller’s biller identification number, either directly or by reference to static data containing those data elements.” See Kolling Abstract.

Anderson teaches a “system and method for processing invoice information in which invoice information is communicated from a first site to a second site.” See Anderson Abstract. A “customer is responsible for entering customer-specific information relating to its various vendors and accounts.” Col. 13, ln. 21-23. To facilitate this process, a “customer setup process solicits this information from the customer and then stores the information in a file in customer database.” Col. 13, ln. 28-30.

Thomson teaches accounting methods and systems based upon the combination of data from two or more sources to prepare an integrated document which generates the transaction to affect the customer’s accounts receivable, the negotiable instrument to (i) credit the corporations’ financial institutions account and (ii) debit the customer’s financial institution’s account while creating a complete audit trail and accountability at each separate processing level. See Thomson Abstract.

Heindel discloses an electronic billing system that provides a set of tools for a biller to create and design a customized billing statement. A biller integration system keeps the biller informed as to the locations and status of the statement templates, the billing data, any forthcoming payments, and so forth. See Heindel Abstract.

Ferguson teaches a method for processing a file containing a financial statement in an

uncoded format such as a financial statement stored in an ASCII file. See Ferguson Abstract.

No cited reference, however, discloses or suggests a method capable of automatically transceiving dynamic account information, or print data, between local system components to facilitate payment to a vendor, as presently claimed. Rather, Kolling discloses only an example where “Bank C maintains tables of static data, and the elements of [the bill pay] order contain pointers to that static data instead of to the actual data, thus providing consumer C a shorthand means of entering the elements of order.” See Kolling, col. 16, ln. 2-6. Similarly, Anderson teaches that account data must be manually entered and that a “customer setup process [may solicit] this information from the customer.” See Anderson, col. 13, ln. 20-29. Each cited reference thus requires either manual data input or integration of static data at a distant location. As no cited reference contemplates or suggests automatically transceiving dynamic account data between local system components, the present invention is not obvious in light of such references.

Further, no cited reference teaches or suggests enabling local account information transfer between an existing account application, such as Quicken® or Microsoft Money®, and an electronic payment processing module, as presently claimed and disclosed. The present invention is thus distinctly advantageous over the prior art as it offers almost universal compatibility with existing accounting applications, and can provide accurate, up-to-date account information based on the information and data maintained by such applications.

As claims 11-17 and 19-21 add further limitations to otherwise allowable subject matter, such claims would also be non-obvious to one skilled in the art.

In light of the foregoing, Applicant respectfully submits that the rejection of claims 10-21 under Section 103 constitutes an improper rejection based on hindsight. Specifically, Applicant submits that because the prior art fails to teach or suggest all of the claim limitations, and because one skilled in the art would not be motivated by the cited references, alone or in combination, to modify the invention therein to produce the present invention, that the present invention is not obvious in view of the prior art. Accordingly, Applicant respectfully requests that the rejection of claims 10-21 be withdrawn under Section 103.

Conclusion

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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